

Office Action Summary	Application No.	Applicant(s)	
	09/706,296	SRINIVAS ET AL.	
	Examiner	Art Unit	
	David Lazaro	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 07 October 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-21 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 03 November 2000 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2,3,4</u> .	6) <input type="checkbox"/> Other:



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,296	11/03/2000	Sampath Srinivas	DANAP004	6716
22434	7590	01/28/2004	EXAMINER	
BEYER WEAVER & THOMAS LLP P.O. BOX 778 BERKELEY, CA 94704-0778			LAZARO, DAVID R	
		ART UNIT	PAPER NUMBER	
		2155		
DATE MAILED: 01/28/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Claims 1-21 are pending in this office action.

Information Disclosure Statement

1. The information disclosure statements (IDS) submitted on 8/22/02, 7/03/03 and 10/07/03 have been considered.

Priority

2. This application claims benefit of Provisional Application 60/235,513 filed 09/26/2000.

Claim Objections

3. Claim 17 is objected to because of the following informalities: "display" should be "displayed". Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-6, 8-13 and 19-21 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,266,681 by Guthrie (Guthrie).

6. With respect to Claim 1, Guthrie teaches a method for inserting a toolbar into a webpage at a server machine (Col. 3 lines 30-40), said method comprising: receiving a webpage at the server machine to be delivered to a client machine (Col. 3 lines 30-36); inserting the toolbar into the webpage at the server machine (Col. 3 lines 30-36), the toolbar including at least one link to a resource (Col. 5 lines 45-58) and an executable script (Col. 11 lines 32-45); and delivering the webpage to the client machine (Col. 3 lines 30-40).

7. With respect to Claim 2, Guthrie teaches all the limitations of Claim 1 and further teaches the at least one link is a graphical link (Col. 5 lines 45-58).

8. With respect to Claim 3, Guthrie teaches all the limitations of Claim 1 and further teaches wherein the executable script is an activation script (Col. 11 lines 32-45).

9. With respect to Claim 4, Guthrie teaches all the limitations of Claim 3 and further teaches the activation script determines whether the toolbar is displayed in the webpage when the webpage is displayed at the client machine (Col. 15 lines 52-57).

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10. With respect to Claim 5, Guthrie teaches all the limitations of Claim 3 and further teaches the webpage has at least one frame, wherein an instance of the toolbar is inserted into each frame of the webpage at the server machine (Col. 3 lines 51-59).

11. With respect to Claim 6, Guthrie teaches all the limitations of Claim 5 and further teaches for each of the at least one instances of the toolbar, the activation script determines whether the toolbar is displayed in the at least one frame of the webpage when the webpage is displayed at the client machine (Col. 15 lines 38-57).

12. With respect to Claim 8, Guthrie teaches all the limitations of Claim 1 and further teaches the toolbar is a HTML toolbar (Col. 5 lines 4-12), and wherein the executable script is provided in a script programming language (Col. 11 lines 32-45).

13. With respect to Claim 9, Guthrie teaches all the limitations of Claim 1 and further teaches the resource is a remote third party resource (Col. 5 lines 45-58).

14. With respect to Claim 10, Guthrie teaches all the limitations of Claim 1 and further teaches the toolbar includes a plurality of links to different resources (Col. 5 lines 45-58).

15. With respect to Claim 11, Guthrie teaches all the limitations of Claim 1 and further teaches said method further comprising: executing the executable script on the client machine to determine whether the toolbar should be displayed when displaying the webpage on the client machine (Col. 15 lines 38-57).

16. With respect to Claim 12, Guthrie teaches a method for modifying a markup language page to include a dynamically determinable toolbar provided therein (Col. 3 lines 30-40), said dynamically determinable toolbar operates when said markup

language page is being displayed to dynamically determine whether said dynamically determinable toolbar should be displayed as part of said markup language page (Col. 4 line 67 to Col. 5 line 2 and Col. 15 lines 38-57).

17. With respect to Claim 13, Guthrie teaches all the limitations of Claim 12 and further teaches said dynamically determinable toolbar includes at least one link to a resource (Col. 5 lines 45-58) and an executable script (Col. 11 lines 32-45).

18. With respect to Claim 19, Guthrie teaches a computer readable medium including at least computer program code for inserting a toolbar into a webpage at a server machine (Col. 3 lines 30-40), said computer readable medium comprising: computer program code for receiving a webpage at the server machine to be delivered to a client machine (Col. 3 lines 30-36); computer program code for inserting the toolbar into the webpage at the server machine (Col. 3 lines 30-36), the toolbar including at least one link to a resource (Col. 5 lines 45-58) and an executable script (Col. 11 lines 32-45); and computer program code for delivering the webpage to the client machine (Col. 3 lines 30-40).

19. With respect to Claim 20, Guthrie teaches all the limitations of Claim 19 and further teaches the executable script determines whether the toolbar is displayed in the webpage when the webpage is displayed at the client machine (Col. 15 lines 38-57).

20. With respect to Claim 21, Guthrie teaches a dynamically determinable toolbar, said dynamically determinable toolbar being provided in a markup language page (Col. 3 lines 30-40), and said dynamically determinable toolbar operating, when the markup language page is being displayed, to dynamically determine whether said dynamically

determinable toolbar should be displayed as part of the markup language page (Col. 4 line 67 to Col. 5 line 13).

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claims 7 and 14-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Guthrie in view of U.S. Patent 6,300,947 by Kanevsky (Kanevsky).

23. With respect to Claim 7, Guthrie teaches all the limitations of Claim 5 and further teaches that under certain conditions, an instance of a toolbar will be created when a webpage is displayed at the client machine (Col. 5 lines 1-2). Guthrie also teaches that the activation script is within one of the at least one frame of the webpage and is part of the condition of displaying the toolbar (Col. 15 lines 38-57). Guthrie does not explicitly disclose the use of a threshold size to determine if the toolbar should be displayed. However, Kanevsky teaches it is well known in the art that web site elements can be conditionally displayed in a display area such as a frame (Col. 1 lines 43-47 and Col. 2 lines 20-44). For example, a web site element will be displayed only if the size of the frame is above a certain threshold size (Col. 2 lines 45-49). It would have been obvious to one of ordinary skill in the art to take the method disclosed by Guthrie and modify it as indicated by Kanevsky such that the toolbar is to be displayed when the webpage is

displayed at the client machine when both the activation script is within one of the at least one frame of the webpage and the size of the one of the at least one frame is greater than a threshold size. One would be motivated to have this as it is desired to have webpage material presented in a friendly and useful manner to the client (Col. 2 lines 2-5).

24. With respect to Claim 14, Guthrie teaches all the limitations of Claim 12 and further teaches the markup language page includes a least one frame (Col. 3 lines 51-59), wherein said dynamically determinable toolbar is provided within the at least one frame (Col. 3 lines 51-59), and wherein said dynamically determinable toolbar operates to display said dynamically determinable toolbar within the at least one frame under certain conditions (Col. 5 lines 1-2). These conditions determine whether to display the toolbar in frame or to not display the toolbar in the frame (Col. 15 lines 38-57). Guthrie does not explicitly disclose the use of a predetermined size in making the display determination. However, Kanevsky teaches it is well known in the art that web site elements can be conditionally displayed in a display area such as a frame (Col. 1 lines 43-47 and Col. 2 lines 20-44). For example, to determine whether or not a web page element should be displayed one can test if the frame is greater than a predetermined size (Col. 2 lines 45-49). It would have been obvious to one of ordinary skill in the art to take the method disclosed by Guthrie and modify it as indicated by Kanevsky such that said dynamically determinable toolbar operates to display said dynamically determinable toolbar within the at least one frame when the size of the at least one frame is greater than a predetermined size and operates to not display said dynamically

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determinable toolbar within the at least one frame when the size of the at least one frame is not greater than the predetermined size. One would be motivated to have this as it is desired to have webpage material presented in a friendly and useful manner to the client (Col. 2 lines 2-5).

25. With respect to Claim 15, Guthrie in view of Kanevsky teaches all the limitations of Claim14, and further teaches said dynamically determinable toolbar includes at least one link to a remote resource (Col. 5 lines 45-58 of Guthrie) and an executable script (Col. 11 lines 32-45).

26. With respect to Claim 16, Guthrie in view of Kanevsky teaches all the limitations of Claim14, and further teaches said dynamically determinable toolbar is a HTML toolbar (Col. 5 lines 4-12), and wherein the executable script is provided in a script programming language (Col. 11 lines 32-45).

27. With respect to Claim 17, Guthrie teaches a computer readable medium including at least computer program code for determining whether a toolbar should be display in one or more frames of a webpage, said computer readable medium comprising: computer program code for determining whether the toolbar is within the one or more frames of the webpage (Col. 15 lines 38-57), and computer program code for displaying the toolbar in each of the one or more frames of the webpage under certain conditions (Col. 5 lines 1-2). These conditions can determine whether to display the toolbar in the one or more frames or to suppress the display the toolbar in the one or more frames (Col. 15 lines 38-57). Guthrie does not explicitly disclose the use of computer program code for determining the size of the one or more frames of the

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webpage and the use of a threshold size to determine whether to display the toolbar. However, Kanevsky teaches it is well known in the art that web site elements can be conditionally displayed in a display area such as a frame (Col. 1 lines 43-47 and Col. 2 lines 20-44). For example, a web site element will be displayed only if the size of the frame is above a certain threshold size (Col. 2 lines 45-49). Computer program code can be used to determine the size of the frame (Col. 2 lines 45-49). It would have been obvious to one of ordinary skill in the art to take the method disclosed by Guthrie and modify it as indicated by Kanevsky such that the computer readable medium further comprises computer program code for determining the size of the one or more frames of the webpage; and computer program code for displaying the toolbar in each of the one or more frames of the webpage in which the size of the one or more frames exceeds a threshold size and suppressing displaying the toolbar in each of the one or more frames of the webpage in which the size of the one or more frames does not exceed the threshold size. One would be motivated to have this as it is desired to have webpage material presented in a friendly and useful manner to the client (Col. 2 lines 2-5).

28. With respect to Claim 18, Guthrie in view of Kanevsky teaches all the limitations of Claim 17 and further teaches the webpage and the toolbar are further provided on said computer readable medium (Col. 3 lines 30-40).

Conclusion

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

30. U.S. Patent 6,496,203 by Beaumont et al. "Standardized and application-independent graphical user interface components implemented with web technology" December 17, 2002

31. U.S. Patent 6,490,602 by Kraemer "Method and apparatus for providing enhanced functionality to product webpages" December 3, 2002

32. U.S. Patent 6,052,730 by Felciano et al "Method for monitoring and/or modifying web browsing sessions" April 18, 2000

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 703-305-4868. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 703-308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



David Lazaro
January 20, 2004



Patrice Winder
PATRICE WINDER
PRIMARY EXAMINER